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RECEIVED
JUL 12 2013
DIV. OF OIL, GAS & MINING

*Attorneys for Tar Sand Holdings II, LLC
and Elgin Services Company*

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

In re:

KOREA TECHNOLOGY INDUSTRY
AMERICA, INC., ET AL.¹,

Debtors.

Bankruptcy Case No. 11-32259

Honorable R. Kimball Mosier

[FILED ELECTRONICALLY]

AMENDED NOTICE HEARING ON
MOTION TO CONVERT DEBTORS' CASES TO CHAPTER 7

(Objection Deadline: **Monday, July 29, 2013**)
(Hearing Date: **Wednesday, August 21, 2013 at 1:00 p.m.**)

PLEASE TAKE NOTICE that Tar Sand Holdings II, LLC ("TSH II")² and Elgin Services Company, have filed with the United States Bankruptcy Court for the District of Utah, a Motion to

¹ The three Debtors involved in the jointly-administered Chapter 11 cases above and the Bankruptcy Case numbers of their respective Chapter 11 cases are as follows: Korea Technology Industry America, Inc. (Bankruptcy Case No. 11-32259); Uintah Basin Resources, LLC (Bankruptcy Case No. 11-32261); Crown Asphalt Ridge, LLC (Bankruptcy Case No. 11-32264).

² The members of TSH II are Western Energy Partners, LLC; Elgin Services Company, Inc.; Mountain Insulation, Inc.; Industrial Piping Products, Inc.; WesTech Engineering, Inc.; JAM Industrial, Inc.; and Precision Systems Engineering, Inc. The claims of all of the members have been assigned to TSH II. As such, this Motion should also be considered to be filed on behalf of all the members of TSH II.

Convert Debtors Cases to Chapter 7 (the "Motion"). The Motion seeks to have the Debtors' jointly administered cases converted to Chapter 7 cases due to allegations of the Debtors' default under the Debtors' confirmed Chapter 11 Plan.

Your rights may be affected. You should read this Notice and the Motion carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Bankruptcy Court to grant the relief requested in the Motion, then you or your attorney must:

(1) on or before Monday, July 29, 2013 (14 days from the date of this notice plus 3 days for mailing), file with the Bankruptcy Court a written Objection to the Motion, explaining your position at:

United States Bankruptcy Court
350 South Main Street, Room 301
Salt Lake City, Utah 84101

If you mail your objection to the Bankruptcy Court for filing, you must mail it early enough so that the Court will **receive** it on or before Monday, July 29, 2013. You must also mail a copy of your objection to the undersigned counsel at:

Darwin H. Bingham
SCALLEY READING BATES HANSEN & RASMUSSEN, P.C.
15 West South Temple, Suite 600
Salt Lake City, Utah 84101

(2) attend a hearing on the Motion which is set for Wednesday, August 21, 2013 at 1:00 p.m. in Courtroom 369, United States Bankruptcy Court, 350 South Main Street, Salt Lake City, Utah. Failure to attend the hearing will be deemed a waiver of your objection.

If you or your attorney do not take these steps, the Bankruptcy Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

In the absence of a timely filed objection, the undersigned counsel may and will ask the Bankruptcy Court to strike the hearing and enter an order approving the Motion without hearing.

DATED this 11th day of July, 2013.

SCALLEY READING BATES
HANSEN & RASMUSSEN, P.C.



/s/ Darwin H. Bingham

Darwin H. Bingham
Attorneys for Tar Sands Holding II, LLC and Elgin
Services Company

CERTIFICATE OF SERVICE -
BY NOTICE OF ELECTRIC FILING (CM/ECF)

I hereby certify that on the 11th day of July, 2013, I electronically filed the foregoing **AMENDED NOTICE OF HEARING ON MOTION TO CONVERT DEBTORS' CASES TO CHAPTER 7** with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users and will be served through the CM/ECF system.

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CERTIFICATE OF SERVICE –
BY MAIL, OTHER

I hereby certify that on the 11th day of July, 2013, I caused to be served a true and correct copy of the foregoing **AMENDED NOTICE OF HEARING ON MOTION TO CONVERT DEBTORS' CASES TO CHAPTER 7** as follows:

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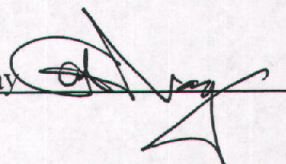
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/s/ Catrina Nay



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*Attorneys for Tar Sand Holdings II, LLC
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IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

In re:

KOREA TECHNOLOGY INDUSTRY
AMERICA, INC., et al.¹,

Debtors.

Bankruptcy No. 11-32259

Honorable R. Kimball Mosier

(Filed via ECF)

MOTION TO CONVERT DEBTORS' CASES TO CHAPTER 7

Tar Sand Holdings II, LLC ("TSH II")² and Elgin Services Company, by and through counsel, hereby submit this Motion to Convert Debtors' Cases to Chapter 7, and state as follows:

1. The Debtors' cases were filed on August 22, 2011, and are being jointly administered.

¹ The three Debtors involved in the jointly-administered Chapter 11 cases above and the Bankruptcy Case numbers of their respective Chapter 11 cases are as follows: Korea Technology Industry America, Inc. (Bankruptcy Case No. 11-32259); Uintah Basin Resources, LLC (Bankruptcy Case No. 11-32261); Crown Asphalt Ridge, LLC (Bankruptcy Case No. 11-32264).

2. On October 23, 2012, the Court entered its Findings of Fact and Conclusions of Law Regarding Confirmation of Debtors' First Amended Joint Plan of Reorganization Dated July 25, 2012. (Docket Entry 441).

3. On October 23, 2012, the Court entered the Order Confirming Debtors' First Amended Joint Plan of Reorganization Dated July 25, 2012. (Docket Entry 442). No appeal of the Order has been filed, and the Order should be considered a "Final Order" in accordance with Section 1.32 of the Debtors' Plan.

4. All of the Debtors' assets were sold at an auction on February 25, 2013.

5. Section 1.28 of the Debtors' Plan states the "Effective Date" of the Plan is the first business day after the Confirmation Order becomes a Final Order.

6. Section 6.3 of the Debtors' Plan, in relevant part, states that all funds to be distributed under the Plan "shall" be paid as soon as practicable after the auction of the Debtors' assets.

²The members of TSH II are Western Energy Partners, LLC; Elgin Services Company, Inc; Mountain Insulation, Inc.; Industrial Piping Products, Inc; WesTech Engineering, Inc.; JAM Industrial, Inc.; and Precision Systems Engineering, Inc. The claims of all of the members have been assigned to TSH II. AS such, this Motion should also be considered to be filed on behalf of all the members TSH II.

7. Section 2.1 of the Plan states that, except to the extent a holder of an Allowed Administrative Expense Claim agrees to a different treatment, the Allowed Administrative Expense Claims “shall” be paid (i) in the ordinary course of business; (ii) on the Effective Date (or as soon as practicable thereafter) if not an ordinary course claim; or (iii) within 10 days of the entry of a Final Order allowing such Administrative Expense Claim. Section 2.1 of the Plan further states, that in the event the Debtors do not close a sale, that the Allowed Administrative Expense Claims “will be paid from the Debtors’ funds, including proceeds from sales of PMOSA, tar sands, and dry froth, and from the proceeds of an Alternative Sale or Auction, after payment of all Allowed Secured Claims.”

8. Section 2.5 of the Plan states that, except to the extent a holder of an Allowed Priority Tax Claim agrees to a different treatment, all Priority Tax Claims “shall” either receive payment in full of the claim on the Effective Date of the Plan, or receive equal quarterly cash payments over a period not to exceed 5 years from the Petition Date, with the first payment to occur on the first business day of the third month after the Effective Date of the Plan.

9. Section 5.3 states that Class 9 priority claims “shall” be paid in full and in cash on the Effective Date of the Plan, or if later, then when the claim is allowed.

10. Section 7.1 of the Plan states that all funds required for confirmation or performance of the Plan “shall be provided from” proceeds of the sale or auction of the Debtors’ assets and all other funds held by the Debtors as of property of the estate on the date distributions begin.

11. Section 1112(b)(4)(N) of the Bankruptcy Code provides that the Debtors’ cases may be converted if there is a material default by the debtor with respect to a confirmed plan.

12. Pursuant to the sections of the Plan referenced above, the Court's Order confirming the Debtors' Plan is a Final Order, and the Effective Date of the Plan passed several months ago.

13. The Debtors have materially defaulted under the Plan. The Debtors have not paid the Priority Tax Claims, Priority Claims and Administrative Expense Claims against the estate within the times required by the applicable provisions of the Plan, and the Debtors do not currently have the ability to make such payments. The Debtors will undoubtedly argue they are attempting to secure funds to pay claims through a Section 506(c) surcharge motion, but there is nothing in the Plan that allows the Debtors to prolong payments until after the resolution of the surcharge motion. As such, the Debtors are in default under the Plan.

14. Keeping the Debtors in Chapter 11 would not achieve anything further in this case. The Debtors do not have sufficient assets to make the payments required under the Plan, and a Chapter 7 Trustee can administer any claims of the estate or funds on hand.

15. Based upon the foregoing, the Court should declare that there has been a material default under the Plan, and should convert the case to Chapter 7.

DATED this 7th day of June, 2013.

**SCALLEY READING BATES
HANSEN & RASMUSSEN, P.C.**

/s/ Darwin H. Bingham
Darwin H. Bingham
*Attorneys for Tar Sands Holding II, LLC and
Elgin Services Company*

CERTIFICATE OF SERVICE -
BY NOTICE OF ELECTRIC FILING (CM/ECF)

I hereby certify that on the 7th day of June, 2013, I electronically filed the foregoing **MOTION TO CONVERT DEBTORS' CASES TO CHAPTER 7** with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users and will be served through the CM/ECF system.

James W. Anderson – anderson@millerguymon.com; jimulaw@msn.com
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United States Trustee – USTPRegion19.SK.ECF@usdoj.gov

CERTIFICATE OF SERVICE –
BY MAIL, OTHER

I hereby certify that on the 7th day of June, 2013, I caused to be served a true and correct copy of the foregoing **MOTION TO CONVERT DEBTORS' CASES TO CHAPTER 7** as follows:

Mail Service - by regular first class United States mail, postage fully pre-paid, addressed to:

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/s/ Shelley Proctor

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In re:

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Debtors.

Bankruptcy Case No. 11-32259

Honorable R. Kimball Mosier

[FILED ELECTRONICALLY]

**AMENDED CERTIFICATE OF SERVICE OF
MOTION TO CONVERT DEBTORS' CASES TO CHAPTER 7**

THIS IS TO CERTIFY that on the 11th day of July, 2013, Tar Sand Holdings II, LLC and Elgin Services Company, by and through its attorney of record, did cause a true and correct copy of the **MOTION TO CONVERT DEBTORS CASES TO CHAPTER 7** to be served by regular first class United States mail, postage fully pre-paid, to the following:

¹ The three Debtors involved in the jointly-administered Chapter 11 cases above and the Bankruptcy Case numbers of their respective Chapter 11 cases are as follows: Korea Technology Industry America, Inc. (Bankruptcy Case No. 11-32259); Uintah Basin Resources, LLC (Bankruptcy Case No. 11-32261); Crown Asphalt Ridge, LLC (Bankruptcy Case No. 11-32264).

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